

**NOTIFICATION OF ENHANCEMENT – DRIVING WITH MEASURABLE CONTROLLED SUBSTANCE
IN THE BODY**

Defendant: _____, Case No. _____

ELEMENTS

41-6a-517(2): In cases not amounting to a violation of Section 41-6a-502 (DUI), a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body. 41-6a-517(4): A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.

Note: 41-6a-517(3): It is an affirmative defense to prosecution under this section that the controlled substance was involuntarily ingested by the accused, prescribed by a practitioner for use by the accused, or otherwise legally ingested.

ENHANCEMENT / PENALTIES

41-6a-517(6): For an offense of Driving with a Measurable C/S committed on or after 7/1/09, the DLD shall: (a) if the person is 21 or older at the time of arrest: (i) when there are no prior qualifying convictions within 10 years, suspend the license for 120 days; or (ii) when there is a prior qualifying conviction within 10 years, revoke the license for 2 years; (b) if the person is under 21 at the time of arrest: (i) when there are no prior qualifying convictions within 10 years, suspend the license until the defendant is 21 or for 120 days, whichever is longer; or (ii) when there is a prior qualifying conviction within 10 years, revoke the license until the defendant is 21 or for 2 years, whichever is longer.

41-6a-517(6)(d): For a Driving with a Measurable C/S committed prior to 7/1/09, the DLD shall suspend or revoke the license for the periods in effect prior to 7/1/09 (90-day suspension for a conviction when there are no prior qualifying convictions within 10 years, 1-year revocation for a conviction when there is a prior qualifying conviction within 10 years).

41-6a-517(8): The court shall order supervised probation in accordance with Subsection 41-6a-507 for a person convicted under Subsection (2).

Note: 41-6a-501(2): A driving with measurable controlled substance in the body conviction constitutes a qualifying conviction for DUI enhancement purposes.

See Notification of Enhancement - Class-B-Misdemeanor DUI.

Minimum / Maximum Sentence

Class B Misdemeanor: 0 days to 6 months jail; \$0 to \$1,890 fines and surcharges, plus interest

I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.

Date

Defendant